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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/683,640	10/09/2003	Roland Rick	030146	1209

  

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QUALCOMM INCORPORATED		
5775 MOREHOUSE DR.		
SAN DIEGO, CA 92121		

  

EXAMINER	
VUONG, QUOCHIE B	

  

ART UNIT	PAPER NUMBER
2618	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	03/09/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 03/09/2007.

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us-docketing@qualcomm.com  
kascanla@qualcomm.com  
t\_ssadik@qualcomm.com

**Office Action Summary**

Application No.

10/683,640

Applicant(s)

RICK ET AL

Examiner

Quochien B. Vuong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 03/28/2005 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 18-25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. "The computer-readable medium comprising instructions" recited in claims 18-25 does not define structural and functional interrelationships between the instructions and the rest of the computer/microprocessor which permit the instructions' functionality to be realized, since claims 18-25 fail to specifically recited the computer-readable medium encoded/stored with a computer program and the instruction being executable by a computer/microprocessor, and thus, they are not statutory.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over ETSI TS 100911 V8.5.0 (2000-10), "Digital cellular telecommunication system (Phase 2+); Radio subsystem link control (GSM 05.08 version 8.5.0 Release 1999)". (cited in the IDS submitted on 03/28/2005 by the Applicant) in view of Kanterakis et al. (US 6,169,759).

Regarding claim 1, ETSI TS 100911 V8.5.0 (2000-10) (paragraphs 6.1 – 6.4) discloses a method comprising: acquiring synchronization information of a first cell of a frequency division multiple access (FDMA) system (paragraph 6.1); scheduling a time for acquisition of cell identification (ID) information associated with the first cell based on the synchronization information of the first cell (paragraph 6.2); and acquiring synchronization information of a second cell of the FDMA system (paragraphs 6.1-6.2). ETSI TS 100911 V8.5.0 (2000-10) does not specifically disclose acquiring synchronization information of a second cell of the FDMA system prior to acquiring the cell ID information associated with the first cell. However, Kanterakis et al. disclose the a principle of cell selection by a mobile station, wherein the mobile station first synchronizes with one or more base stations (cells), and then acquires the necessary cell identification information on the respective base station broadcast channel (BCCH) (column 6, line 60 – column 7, line 27; and figure 1). Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the teaching of acquiring synchronization information of plurality of cells prior to

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acquiring the corresponding cell identification information of Kanterakis et al. to the method of ETSI TS 100911 V8.5.0 in order to accelerate the cell acquisition/selection process.

Claims 10, 18, 26, and 34 are rejected with the same reasons set forth in claim 1, since they are based on the same essential feature combination as in claim 1 in terms of claims relating to a subscriber unit (claims 10 and 26), a computer-readable medium (claim 18), and a method in a GSM system (claim 34).

As to claims 2, 11, 19, 27, 35, if not inherent it would have been obvious for the combination of ETSI TS 100911 V8.5.0 and Kanterakis et al. to include acquiring the synchronization information of the second cell of the FDMA system prior to acquiring the cell ID information associated with the first cell only when enough time exists for acquiring the synchronization information of the second cell before the scheduled time for acquisition of cell ID information associated with the first cell in order to select a desired cell within a predetermined period of time.

As to claims 3, 4, 12, 13, 20, 21, 28, and 29, if not inherent it would have been obvious for the combination of ETSI TS 100911 V8.5.0 and Kanterakis et al. to include scheduling a time for acquisition of cell ID information associated with the second cell based on the synchronization information of the second cell; acquiring synchronization information of a third cell of the FDMA system prior to acquiring the cell ID information associated with the second cell; and acquiring synchronization information of the third cell of the FDMA system prior to acquiring the cell ID information associated with the first cell in order to provide more choices for the cell/network selection process.

As to claims 5, 14, 22, and 30, Kanterakis et al. disclose acquiring the cell ID information associated with the first cell at the scheduled time following the acquisition of synchronization information of the second cell (column 6, line 60 – column 7, line 27; and figure 1).

As to claims 6, 7, 15, 16, 23, 24, 31, and 32, if not inherent it would have been obvious for the combination of ETSI TS 100911 V8.5.0 and Kanterakis et al. to include selecting or rejecting the first cell based on the cell ID information associated with the first cell; and registering in the first cell when the first cell is selected based on the cell ID information associated with the first cell in order to select a home or preferred cell/network.

As to claims 8, 17, 25, 33, and 36, ETSI TS 100911 V8.5.0 disclose a global system for mobile communications (GSM) system (paragraphs 6.1-6.1); and if not inherent it would have been obvious for the combination of ETSI TS 100911 V8.5.0 and Kanterakis et al. to include acquiring the synchronization information includes acquiring a frequency correction channel (FCCH) and a synchronization channel (SCH), and acquiring the cell ID information includes acquiring a public land mobile network (PLMN) code from a broadcast channel (BCCH) in order to synchronize, acquire, and select a cell in GSM network.

As to claim 9, if not inherent it would have been obvious for the combination of ETSI TS 100911 V8.5.0 and Kanterakis et al. to include generating a list of available networks including the first cell and the second cell, based on the cell ID information

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associated with the first cell and cell ID information associated with the second cell in order to provide more choices for the cell/network selection process.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cizek et al. (US 5,168,575) disclose demand wide0area radio system resource assignment method and apparatus.

Averbuch et al. (US 5,867,785) disclose method for providing communication service to communication unit located within a common carrier transportation device.

Sakoda et al. (US 6,351,461) disclose communication method, base station and terminal apparatus.

Jamal et al (US 6,724,813) disclose implicit resource allocation in a communication system.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quochien B. Vuong whose telephone number is (571) 272-7902. The examiner can normally be reached on M-F 9:30-18:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Quochien B. Vuong  
Mar. 05, 2007.

**QUOCHIE B. VUONG**  
**PRIMARY EXAMINER**